

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

Southern Division

SALA NAAMBEWE AND YVETTE NIMENYA
V.
SMITHFIELD FOODS

EXHIBIT LIST

Case Number: 4:17-CV-04123-LLP

PRESIDING JUDGE					PLAINTIFF'S ATTORNEY	DEFENDANT'S ATTORNEY
Lawrence L. Piersol, United States District					Stephanie E. Pochop	Andrea R. Calem
TRIAL DATE (S)					COURT REPORTER	COURTROOM DEPUTY
October 22, 2018					Click here to enter text.	DJP
PLF. NO.	DEF. NO.	COURT NO.	DATE OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS	
Deposition Exhibits 1-58, including:						
1					Intentionally Omitted Duplicate of Defendants Exhibit 201	
2					Intentionally Omitted Duplicate of Defendants Exhibit 202	
3					Intentionally Omitted Duplicate of Defendants Exhibit 203	
4					Incident Intake Report Form	
5					Intentionally Omitted	
6					Charge of Discrimination	
7					2/22/16 Incident intake report form	
8					Intentionally Omitted Duplicate of Defendants Exhibit 204	
9					Intentionally Omitted Duplicate of Defendants Exhibit 205	
10					Intentionally Omitted Duplicate of Defendants Exhibit 206	
11					2/15/17 handwritten note	
12					Photographs of Smithfield workplace	
13					Intentionally Omitted	
14					“Dear management” handwritten document	
15					HR Incident intake report (2/22/16)	
16					Intentionally Omitted Duplicate of Defendants Exhibit 207	
17					4/4/16 NLRB letter	
18					Charge of Discrimination	
19					Intentionally Omitted Duplicate of Defendants Exhibit 208	

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PLF. NO.	DE F. NO.	COURT NO.	DATE OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
20					Intentionally Omitted Duplicate of Defendants Exhibit 209	
21					Local 304A Grievance From 8/26/16	
22					Intentionally Omitted Duplicate of Defendants Exhibit 210	
23					12/9/16 Grievance	
24					Smithfield Warning notice	
25					Intentionally Omitted Duplicate of Defendants Exhibit 211	
26					FMLA Notice	
27					Intentionally Omitted Duplicate of Defendants Exhibit 212	
28					Intentionally Omitted Duplicate of Defendants Exhibit 213	
29					8/23/16 UFCW grievance	
30					Intentionally Omitted Duplicate of Defendants Exhibit 214	
31					12/8/16 warning	
32					UFCW grievance	
33					7/18/17 UFCW grievance	
34					9/13/17 email	
35					1/12/18 email	
36					1/16/18 warning	
37					3/27/18 warning	
38					3/29/18 warning	
39					Intentionally Omitted Duplicate of Defendants Exhibit 215	
40					4/4/18 incident report form	
41					Intentionally Omitted Duplicate of Defendants Exhibit 216	
42					Intentionally Omitted Duplicate of Defendants Exhibit 207	
43					8/15/17 incident report	
44					2/22/16 Nimenya Incident Report	
45					Intentionally Omitted Duplicate of Defendants Exhibit 217	
46					1/12/17 email	
47					<u>Argus Leader</u> article posted in facility	
48					Intentionally Omitted Duplicate of Defendants Exhibit 218	
49					3/18/16 Summary of events	

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50					Intentionally Omitted Duplicate of Defendants Exhibit 206		
51					Absence report form		
52					12/6/16 warning notice		
53					2/15/17 handwritten notes		
54					Intentionally Omitted Duplicated of Defendants Exhibit 219		
55					4/12/18 grievance		
56					Intentionally Omitted Duplicate of Defendants Exhibit 220		
57					Intentionally Omitted Duplicate of Defendants Exhibit 221		
58					Intentionally Omitted Duplicated of Defendants Exhibit 222		
<i>Additional records not offered at deposition.</i>							
59					Ogaldez personnel file records: Disciplinary records from 4/4/17; 2/8/17; 7/22/16; 3/18/16; 4/2/15/ and 1/29/15, Defendant's Disclosures, p. 919-921.		
60					Genzler personnel file records: Disciplinary records from 3/9/16; 3/28/16; 7/23/15; and 12/14/16, Defendant's Disclosures, p. 903, 904, 907, 909, 910.		
61					Hultman personnel file records: Performance appraisal 2015-2016, Defendant's Disclosures, p. 845-852; Disciplinary records from 2/10/16 and 8/7/17, Defendant's Disclosures, p. 858-862; Naambwe notes in Hultman file, Defendant's Disclosures, p. 853-857.		
62					Loger personnel file records: Performance appraisal 2017, Defendant's Disclosures, p. 865-67; Performance appraisal 2013-2016, Defendant's Disclosures, p. 868-881; Disciplinary records from 8/11/16 and 2/11/16, Defendant's Disclosures, p. 882, 883; Genzler/Naambwe notes in Loger file, Defendant's Disclosures, p. 884-901, 902.		
63					Intentionally Omitted Duplicate of Defendants Exhibit 231		
64					2/26/16 Notes re: Genzler, Defendant's Disclosures, p. 282-283.		
65					3/3/16 Moate email notes re: Genzler, Defendant's Disclosures, p. 279-281.		
66					4/1/16 Meeting notice re: "harassment concern", Defendant's Disclosures, p. 254.		
67					4/5/16 Moate notes re: Salgadez, Defendant's Disclosures, p. 291.		
68					4/17/16 Moate email re: Naambwe pay adjustment, Defendant's Disclosures, p. 269-271.		
69					7/15/16 Moate email re: job pay, Defendant's Disclosures, p. 292.		
70					8/26/16 Derby/Reed Email re: Lisa Christion Statement, Plaintiff's Disclosures, p. 539		
71					Intentionally Omitted Duplicate of Defendants Exhibit 233		
72					9/12/16 meeting notice re: Naambwe follow up, Defendant's Disclosures, p. 218.		
73					Intentionally Omitted Duplicate of Defendants Exhibit 232		

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74					7/15/16 Derby Email Re: Naambwe Compensation, Defendant's Disclosures, p. 223	
75					9/16/16 Moate email re: Becky Kaufman report Defendant's Disclosures, p. 228-229.	
76					Intentionally Omitted Duplicate of Defendants Exhibit 225	
77					Intentionally Omitted Duplicate of Defendants Exhibit 228	
78					3/1/17 mediation notice, Defendant's Disclosures, p. 255.	
79					3/28/17 Moate Email Re: Naambwe Going Home, Defendants Disclosures, p. 247	
80					4/14/17 Loger email re: restraining order, Defendant's Disclosures, p. 326.	
81					4/18/17 Moate email re: Lisa Christion interview, Defendant's Disclosures, p. 285-286.	
82					7/25/17 Reed email re: Loger and Naambwe, Defendant's Disclosures, p. 257.	
83					Intentionally Omitted Duplicate of Defendants Exhibit 222	
84					8/16/17 Fleming/Reed email, Defendant's Disclosures, p. 358-361	
85					8/16/17 Dakota Mills email and smoked meat investigative documentation, Defendant's Disclosures, p. 171, 404-411.	
86					8/29/Derby/Loger investigation notes, Plaintiff's disclosures, p. 546.	
87					9/9/17 Henle/Reed email re: Naambwe and Nimenya, Defendant's Disclosures, p. 300.	
88					9/13/17 Motley/Reed Email about Hultman Incident, Defendant's Disclosures, p. 155	
89					9/13/17 Investigation notices, Defendant's Disclosures, p. 306-310.	
90					11/2/17 Henley/Reed email re: Naambwe, Defendant's Disclosures, p. 297.	
91					Intentionally Omitted Duplicate of Defendants Exhibit 229	
92					1/5/18 Derby email about photo, Defendant's Disclosures, p. 237.	
93					1/12/18 Reed/Motley Email Re: Grievance. Defendant's Disclosures, p. 340	
94					1/16/18 Disciplinary Record, Defendant's Disclosures, p. 335	
95					1/17/18 Reed email regarding photo, Defendant's Disclosures. p. 336.	
96					1/17/18 Derby note regarding bathroom use, Defendant's Disclosure, p. 238.	
97					1/19/18 Naambwe grievance, Defendant's Disclosures, p. 949.	
98					2/1/18 Moate email re: complaints in Dept. 19D, Defendant's Disclosures, p. 266-268.	
99					3/27/18 Moate email re: Abegail issue and disciplinary action, Defendant's Disclosures, p. 240-242.	
100					3/28/18 Moate/Reed email re: Naambwe going home, Defendant's Disclosures, p. 330.	
101					3/30/18 Naambwe grievance, Defendant's Disclosures, p. 957	

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102						4/2/18 Reed Email Re: Warning Notes Re: Abigail Issue, Defendant's Disclosures, p. 274-275	
103						4/11/18 Naambwe Grievance, Defendant's Disclosures, p. 949	
104						4/17/18 Moate email re: Sala Naambwe, Defendant's Disclosures, p. 269-270.	
105						5/18/18 Reed email re: Nimenya incident, Defendant's Disclosures, p. 287-288.	
106						8/6/18 Derby email on Respectful Communication, Defendant's Disclosures, p. 226	
107						2018 Union grievance records, Defendant's Disclosures, p. 928-944.	
108						Motley/Reed correspondence about Naambwe grievances, Defendant's Disclosures, p. 937-938, 1014.	
109						Naambwe hours/pay, Defendant's Disclosures, p. 391-398.	
110						Nimenya W2's	
111						Naambwe W2's	